

REMARKS

Claims 1-29 are pending in this application. By this Response, claims 1 and 12 have been amended. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Rejection Under 35 U.S.C. § 102

In paragraphs 1 and 2 of the Office Action, claims 1-3, 8-10, 12-13 and 18-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,607,026 ("Rioux '026"). As discussed below, Applicant respectfully traverses this rejection.

A. The Law of Anticipation and Enabling Prior Art References

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. M.P.E.P. § 2131. The identical invention must be shown in as complete detail as is contained in the claim. *Id.*

However, Applicant submits that amended independent claims 1 and 12 have elements that cannot be found, either expressly or inherently, in Rioux '026. For example, amended independent claims 1 and 12 both recite, in part, a "support member including an internal gear cavity." Rioux '026 has no teaching or suggestion of this claim element.

Referring to FIG. 3 of Rioux '026, a driving pulley 20 is mounted to a frame member 42 by a bearing 48. The driving pulley 20 is connected to a jack shaft 31 that is connected to the engine output drive by a transfer shaft (not shown) (col. 4, ll. 54-65).

In the Office Action, the Examiner equates the Rioux '026 frame member 42 to Applicant's "support member." However, the Rioux '026 frame member 42 does not include an internal gear cavity as recited in Applicant's amended independent claims 1 and 12. This claim

element is neither taught nor suggested in Rioux '026. Accordingly, Applicant respectfully submits that Rioux '026 does not anticipate amended independent claims 1 and 12 and Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

In addition, because claims 2-3, 8-10, 13 and 18-20 depend from either independent claim 1 or 12, it is respectfully submitted that the rejection of these claims has been traversed by virtue of their dependency on either independent claim 1 or 12.

In paragraph 3 of the Office Action, claims 1-3, 5, 8-10, 12, 13, 15 and 18-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,685,387 ("Rioux '387"). As discussed below, Applicant respectfully traverses this rejection.

As discussed above, Applicant's amended independent claims 1 and 12 both recite, in part, a "support member including an internal gear cavity." Rioux '387 has no teaching or suggestion of this claim element.

Referring to FIG. 3 of Rioux '387, a fixed ratio reduction drive 18 has a housing that is accommodated in a large opening 44 in the left hand wall 40 of the frame (col. 4, ll. 58-62). The housing for the fixed ratio reduction drive 18 is also illustrated in FIG. 2B, as well as FIG. 6 and 7. As illustrated and described in Rioux '387, this housing is distinct from and separate of the left hand wall 40.

In contrast, as claimed in amended independent claims 1 and 12, and illustrated in Applicant's FIGS. 3 and 4, Applicant's support member includes an internal gear cavity. The Rioux '387 reduction drive housing 18 is not internal to the structural wall 40, but rather is accommodated in a large opening 44 therein.

Therefore, Applicant respectfully submits that Rioux '387 does not anticipate amended independent claims 1 and 12 and Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

In addition, because claims 2-3, 5, 8-10, 13, 15 and 18-20 depend from either independent claim 1 or 12, it is respectfully submitted that the rejection of these claims has been traversed by virtue of their dependency on either independent claim 1 or 12.

Rejection Under 35 U.S.C. § 103

In paragraphs 4 and 5 of the Office Action, claims 4, 11, 14 and 21 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Rioux '387 in view of U.S. Patent 4,008,777 ("Juto"). Applicant respectfully traverses this rejection.

A. The Law of Obviousness

In order to establish a prima facie case of obviousness, three basic criteria must be met:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined), must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure." M.P.E.P. § 2142.

Dependent claims 4, 11, 14 and 21 depend from either independent claim 1 or 12. Because these claims depend from either independent claim 1 or 12, it is respectfully submitted that the rejection of these claims have been traversed by virtue of their dependency from either independent claim 1 or 12. M.P.E.P. § 2143.03.

In paragraph 6 of the Office Action, claims 6, 7, 16, 17, 22, 24-27 and 29 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Rioux '026 in view of Rioux '387. Applicant respectfully traverses this rejection as follows.

Applicant's independent claim 22 recites, in part, "a sprocket gear and pulley gear rotatably coupled within the support member." This claim element is neither taught nor suggested in either of the Rioux references.

As discussed above, Rioux '026 teaches a housing 8 and a reduction drive 17 that are externally mounted on the snowmobile. Similarly, the fixed ratio reduction drive housing 18 of Rioux '387 is located in a large opening 44 in the left hand wall 40 of the snowmobile frame.

Neither of these references teach or suggest "a sprocket gear and pulley gear rotatably coupled within the support member." Accordingly, Applicant respectfully submits that the rejection has been traversed.

Because claims 6, 7, 16, 17, 24-27 and 29 depend from either independent claims 1, 12 or 22, it is respectfully submitted that the rejection of these claims has been traversed by virtue of their dependency from independent claims 1, 12 or 22. M.P.E.P. § 2143.03.

In paragraph 7 of the Office Action, claims 23 and 28 stand rejected as unpatentable under 35 U.S.C. § 103(a) over Rioux '027 and Rioux '387 as applied to claim 22 and further in view of Juto. Applicant respectfully traverses this rejection as follows.

Dependent claims 23 and 28 depend from independent claim 22 and it is respectfully submitted that the rejection of these claims has been traversed by virtue of their dependency from independent claim 22. M.P.E.P. § 2143.03.

Official Notice of Facts Outside the Record

Finally, the Applicant respectfully traverses the Examiner's assertion that "it is old and well known . . . to use aluminum in supporting structures of vehicles" and that it is "old and well known to . . . mount the water pump near the engine, as taught by Juto, . . . and have to be [sic] supported by the support member." The Examiner has provided no reference to support her

assertion, and if the Examiner maintains this rejection, Applicant respectfully requests the Examiner provide a specific reference teaching these "well known" features. M.P.E.P. §2144.03


Conclusion

Applicant believes that this Response has addressed all items in the Office Action and now places the application in condition for allowance. Accordingly, favorable reconsideration and allowance of claims 1-29 at an early date is solicited. No fee is believed due with this response. However, the Commissioner is authorized to charge any fee required to our Deposit Account No. 50-2298, in the name of Luce, Forward, Hamilton & Scripps LLP. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,



Date



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims

The following claims have been amended:

1. (Amended) A snowmobile comprising:

an engine including an output shaft;

a support member located adjacent to the engine, the support member including an internal gear cavity;

a drive pulley and a driven pulley, each pulley rotatably mounted to the support member, with a drive belt positionable around the pulleys, the pulleys mounted on the support member so that the drive belt can be removed from the snowmobile by passing the drive belt over the pulleys.

12. (Amended) A snowmobile employing a drive belt, the snowmobile comprising:

an engine including an output shaft;

a support member located adjacent to the engine, the support member including an internal gear cavity;

a drive pulley and a driven pulley, each pulley having an inboard side and an outboard side, with each pulley rotatably mounted to the support member on the inboard side only.